

Appl. No. 10/679,423
Amendment in response to
Office Action mailed 12/21/2005

REMARKS

In the Office Action mailed 12/21/2005, the Examiner rejected claims 1, 3-4 and 23 under 35 U.S.C. 103(a) as unpatentable over Johnson U.S. patent no. 3,358,819 in view of Chu U.S. patent no. 6,474,541; rejected claims 1, 3-8, 12-14, 25-26 and 30 under 35 U.S.C. 103(a) as unpatentable over Schumacher U.S. patent no. 4,917,238 in view of Char U.S. patent no. 5,833,057 and Chu '541; rejected claims 9, 11 and 27-28 under 35 U.S.C. s. 103(a) as unpatentable over the references as applied to claims 1, 5, 8 and 26 further in view of Heckal U.S. patent no. 6,080,350; and rejected claims 10 and 29 under 35 U.S.C. s. 103(a) as unpatentable over the references applied to claims 1 and 26 further in view of Diehl U.S. patent no. 4,571,232. Claims 1, 6, 7, 8, 10, 26 and 29 have been amended. Claim 5 has been canceled. Having regard to the following comments, it is submitted that the presently-submitted claims are patentable over the prior art of record.

Johnson U.S. patent no. 3,358,819 discloses a container for a corsage which comprises a base tray for receiving the corsage, a transparent cover which fits over the base tray and an open bottom opaque cardboard cover which fits over the transparent cover to protect it during shipping. The transparent cover is utilized presumably so that the corsage is displayed to the user's date when the shipping container is removed and the display package is presented. The Examiner points to slots 14 and 15 in the base tray of Johnson as permitting circulation of air between said bottom and lid when said box is in closed configuration. The purpose of slots 14 and 15 in Johnson is to receive a ribbon 17 (Fig. 1) or metal clamp (Fig. 3) for securing the stem of the corsage, and not to effectively permit significant air circulation between the base and lid of the container. In any case, to the extent air

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moves through slots 14 and 15 it does not circulate between the bottom and the lid in the manner claimed, but rather flows through the base.

Chu discloses a foldable tote box made of one-piece board of corrugated plastic. The Examiner states that it would have been obvious to one of ordinary skill in the art to make the box of Johnson from double wall corrugated plastic as taught by Chu. However there must be some evidence that there would be a motivation, suggestion or teaching that would lead the skilled artisan to combine the prior art elements to make the claimed invention. See *In re Kahn*, Fed Cir., No. 04-1616, 3/22/06. It would be contrary to the purpose of Johnson, namely to provide a transparent display container for a corsage, to form the container out of double walled corrugated plastic, which is not transparent, so the corsage would not be visible. There would simply be no motivation to combine Johnson and Chu. Further the Examiner maintains that making the opaque cover of Johnson from a flexible fabric such as cotton would be a matter of obvious design choice. However the purpose of the opaque cover in Johnson is "so that the same may be conveniently shipped or carried" (Column 1, lines 34, 35) and cardboard in particular is disclosed, so it would not have been an obvious design choice to substitute a fabric like cotton for the opaque cover, as it is not a suitable shipping container for the corsage.

Schumacher U.S. Patent no. 4,917,238 discloses a kit for cleaning up infected body substances. The contents of the kit are initially contained within a box 12 but after cleaning and disinfecting the area of the infected body substance the materials are sealed in a plastic bag and disposed of (column 4, lines 41-44) and are not stored in the box 12. Thus one skilled in the art of archival preservation would not look to Schumacher for teachings in archival preservation. The Examiner states that slots 41a and 42a will inherently permit circulation of air between the bottom and

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the lid, however the purpose of slots 41a and 42a is for a handle to slide therethrough, so air circulation may not be possible if the handle has a tight fit in the slot, and in any case any circulation of air is through sidewall 22 and not between the bottom and the lid in the manner claimed. The Examiner states that it would have been obvious to one of ordinary skill in the art to provide a flexible, opaque cover for the box of Schumacher as taught by Char for surrounding and protecting the box from damage during shipping and handling. The shipping carton 12 in Char U.S. patent no. 5,833,057 is a heavy fibreboard (column 4, lines 7-9). Char discloses an apparatus for packaging and shipping biological fluid samples collected in vials. Due to the nature of the infectious biological fluids it is important that the container not leak. A fabric cover as claimed in the present invention would be completely unsuitable for Char as a shipping container. The Examiner goes on to state that making the opaque cover of Johnson '819 [*sic*] from any suitable material such as cotton would be a matter of obvious design choice, but using a fabric for the shipping container in Char would not be suitable for the intended use in Char.

With respect, there is no motivation to combine the corsage container of Johnson with Chu, nor the waste cleanup kit of Schumacher with Char and Chu. Even if one were to do so one does not arrive at the claimed combination, which, it is submitted is a new combination of elements which is particularly effective for archival preservation of textile articles such as wedding dresses. None of the cited art, alone or in combination, would motivate the person skilled in the art to make such a combination or suggest the claimed combination of an unsealed box of corrugated plastic which permits air circulation around the periphery of the box and does not react negatively with the contents over time, with a fabric cover to protect from dust and light without inhibiting the air circulation, and tissues for wrapping the archival object such as a wedding dress.

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Claim 1 and 26 as amended therefore, it is submitted, are patentable over the prior art. Claims 3, 4, 6-14, 25 and 27-30, being dependent from an allowable independent claim, are similarly patentable, it is submitted. Issuance of a Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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Bruce M. Green June 21, 2006